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Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)

**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: DARRIGO SOLAR FARM
PROJECT NO.: 19-24
PROJECT LOCATION: SECTION 86, BLOCK 1, LOT 96
REVIEW DATE: 29 JANUARY 2021
MEETING DATE: 4 FEBRUARY 2021
PROJECT REPRESENTATIVE: ARDEN CONSULTING- MICHAEL MORGANTE, P.E.

1. The applicant's have provided a narrative report addressing our comments of 6 February 2020 and 5 November 2020. The letter is responsive to each of our comments.
2. The applicant has received comments from the FAA, NYSDEC, and New York State Office of Parks Recreation and Historic Preservation regarding no adverse impacts from the project. In addition, the project has prepared visual assessments and a Stormwater Pollution Prevention Plan. Landscaping plans have been prepared for the project. The Planning Board may consider the issuance of a Negative Declaration for the project.
3. The applicant has identified that the temporary Halloween use on the site will be dismantled. All abandoned equipment and farm implements shall either be disposed of or placed into the existing structures on the site. The area of the supply yard will be graded and covered with gravel. Existing brush piles on the site shall be mulched and/or removed.
4. The application has received the required Zoning Board of Appeals variances, copies of the variances dated 30 November 2020 have been received.
5. Project requires a Public Hearing which the Board may wish to schedule at this time.
6. Status of the highway superintendent's review of the access points should be provided.

Respectfully submitted,

**McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.**

Patrick J. Hines
Principal

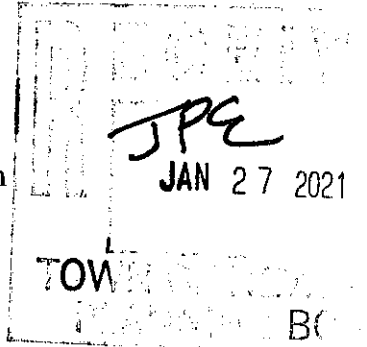
PJH/dns

ARDEN CONSULTING ENGINEERS, PLLC

January 12, 2021

Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550

Re: Darrigo Solar Farm Site Plan
84 Lakeside Road
Newburgh, NY 12550
Project # 2019-24



Response to Comments

Hon. John P. Ewasutyn & Planning Board Members:

Arden Consulting Engineers, PLLC is providing this letter on behalf of Jeffrey Lease (the "Applicant"), in response to comments received from the Planning Board's Engineering Consultant, McGoey, Hauser & Edsall ("MHE") regarding the above-referenced project. The paragraphs below summarize the Applicant's responses in bold to MHE's comment letters and questions that have arisen during Planning Board Meetings.

February 6, 2020 MHE Comment Letter:

1. Status of the FAA review of the project and the Glare Studies should be discussed with the Applicant's representative.
Complete FAA approval letter submitted as exhibit A.
2. NYSDEC has by letter dated 29 January 2020 identified that the project will not be required to obtain an Incidental Take Permit for protected bat species, if removal occurs during hibernation season between October 1st March 31. Notes to this affect must be added to any site plans review.
So added, see page 4, Note 3.
3. Copy if Zoning Board of Appeals approval for the project should be submitted to the Planning Board.
ZBA approval of existing Farm uses and expanded 5MW size contained in approval as exhibit B.
4. Status of the Town Board update requested by the planning Board should be discussed with the Applicants representative.
Town Board Presentation of the expanded project was reviewed and accepted.
5. Code Enforcement Department comments regarding the mixed use of the site should be received. An evaluation of the various uses on the site and their continuation should be provided.
See favorable ZBA ruling contained as exhibit C clarifying the uses.
6. Status of the Highway Superintendent's review of the access road points should be provided.
Submitted and we await that review.

7. Input from the Jurisdictional Fire Department regarding access and fire protection should be received.
Submitted and we await that review.
8. The proposed access drive from Meadow Hill Road across from Monarch Drive has a turnaround which appears to impact the proposed fencing and buffer.
Plans adjusted, see sheet 3 & 4.
9. Tree clearing is identified on the north side of the Meadow Hill access road behind two residential properties. The purpose of this additional tree clearing should be addressed.
Subsequently corrected as per Landscaping Plan L-110 of 11/05/2020 and as exhibit D.
10. The project sponsor has submitted gate details which are inconsistent with the details depicted on the engineering plans.
Subsequently corrected as per landscaping Plan L-111 of 11/16/2020 and as exhibit E.
11. Information pertaining to the access easement from Lakeside Road should be submitted to the Planning Board for review.
No easement needed as the project is on one parcel with direct access to Lakeside Road.
12. The Planning Board previously requested some visual simulations of the project from Amber Fields neighborhood / Monarch Drive / Meadow Hill Road / Patton Road and Lakeside Road. These visual assessments should be provided.
Drawings attached as exhibit H.
13. A Public Hearing is required for the clearing and grading portion of the project as well as for the site plan.
Applicant requests that that Hearing be called for in February and that the Board declare a No Declaration action at this time.
14. Status of the NYSDEC's approval for placement of the solar array over the former landfill site should be addressed.
The DEC acknowledgement and approval letter is exhibit E.
15. The landscape plan should address the number of plants proposed to be located on the site.
Subsequently corrected as per Landscaping Plan L-110 of 11/05/2020 and as exhibit D.
16. Submission to the Orange County Planning Department is required.
Completed and received with no objections to the expanded project.

November 5, 2020 MHE Comment Letter:

1. Status of the review comments dated 31 January with a 6 February 2020 meeting date should be addressed.
Please see the responses to these comments above.
2. The Landscaping Plans submitted as well as the revised Site Plan do not match with buffers, setbacks and solar array layout. Landscaping Plan lacks the farm vehicle storage and trailer parking/new shale gravel drive area.
The revised plans have corrected these errors/omissions.

3. The SWPPP must be revised to address the additional impervious surfaces related to the proposed trailer parking areas.
The existing area in question has had gravel placed over the years that has settled and compacted into the surrounding soil. As a result, the runoff from this area will be similar to post construction conditions when additional gravel is placed.
4. The status of the NYSDEC review of the use of the State Superfund Site ID 336002 must be addressed.
The DEC acknowledgement and approval letter is Exhibit F.
5. Status of the NYSOPRHP review of the project should be addressed with the Board.
The Archeological Report is submitted here as Exhibit G.
6. Status of the FAA & DOT review of the Glare Study should be received.
Complete FAA Approval Letter submitted as Exhibit A
7. The time frame for Lead Agency circulation, which was submitted on 12 December 2019 has lapsed. The Town of Newburgh Planning Board can declare itself Lead Agency for the SEQRA review of the project.
The Town of Newburgh Planning Board declared itself Lead Agency at the November 5, 2020 meeting.
8. Copy of the Zoning Board of Appeals approval for the site should be submitted for the file.
ZBA Approval of existing Farm uses and expanded 5MW size contained in approval as Exhibit B.

November 5, 2020 Planning Board Meeting Questions:

1. Landscape Plans and Landscaped entry ways.
See Plan sheets L110 & L111.
2. Closeout of the SEQRA.
Applicant requests that closeout be given consideration at the conclusion of the public hearing.
3. DEC Letter.
The DEC acknowledgement and approval letter is found in Exhibit E.
4. New York State Office of Parks, Recreation and Historic Preservation signoff letter of 1-A and B archeologic study.
The SHPO signoff is resubmitted here as Exhibit G.
5. FAA comments on the Glare Study.
Complete FAA approval letter submitted as Exhibit A.
6. Full set of plans.
Submitted with this letter.
7. Clarification of the miss-statement of the DEC letter of 15 March 2018.
These plans depicted construction directly above the Former Hazardous Waste Site, as all proposals have, and the DEC misinterpreted that location. The DEC acknowledgement and approval letter is found in Exhibit E.

8. Viewshed studies of the 84 buffer, Lakeside, Meadow, Patton and Amber Fields view renderings.
See attached as Exhibit H.
9. Clean up proposal in writing for the Farm and Supply Yard.
See Attached as Exhibit J.
10. Landscape maintenance plan for the next three years for watering, feeding and care to insure its survival.
See attached as Exhibit K.

We look forward to being placed on the next available Planning Board agenda to discuss this matter.

Please do not hesitate to contact me if you have questions or concerns.

Sincerely,

Arden Consulting Engineers, PLLC



Michael A. Morgante, P.E.

C:\Users\Michael\Dropbox\JOBS\18-014 Lease Solar\Comment Letters\Response Letter 1-21.doc

Exhibits

- A. FAA Approval Letter
- B. ZBA Approval Letter
- C. ZBA Use Clarification Letter Submitted
- D. Landscape Plan L-110
- E. Landscape Plan L-111
- F. DEC Approval Letter
- G. SHPO Sign Off
- H. Viewshed Studies
- I. (left blank)
- J. Farm Clean Up Proposal
- K. Landscape Maintenance Proposal

EXHIBIT A
FAA Approval Letter



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2015-AEA-2986-OE
 Prior Study No.
 2013-AEA-6031-OE

Issued Date: 07/06/2015

Paul Healey
 PDH Realty LLC
 PO Box 859
 2528 Route 17M
 Goshen, NY 10924

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Healey Kia
 Location: Newburgh, NY
 Latitude: 41-30-27.00N NAD 83
 Longitude: 74-04-55.00W
 Heights: 422 feet site elevation (SE)
 26 feet above ground level (AGL)
 448 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

ADVISORY RECOMMENDATION - While the structure does not constitute a hazard to air navigation, it would be located within the Runway Protection Zone (RPZ) of the Stewart International Airport (SWF) RWY 27.

Structures, which will result in the congregation of people within an RPZ, are strongly discouraged in the interest of protecting people and property on the ground. In cases where the airport owner can control the use of the property, such structures are prohibited. In cases where the airport owner exercises no such control, advisory recommendations are issued to inform the sponsor of the inadvisability of the project from the standpoint of safety to personnel and property.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 01/06/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (718) 553-4542. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AEA-2986-OE.

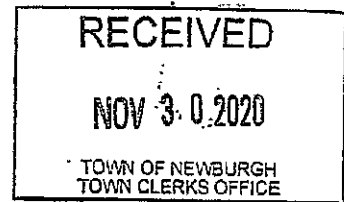
Signature Control No: 253504763-256859805

(DNE)

Katie Venticinque
Specialist

EXHIBIT B
ZBA Approval Letter

TOWN OF NEWBURGH: COUNTY OF ORANGE
ZONING BOARD OF APPEALS



-----X
In the Matter of the Application of

FRANK DARRIGO REVOCABLE TRUST

DECISION

For a use variance as follows:

- *An interpretation regarding the proper bulk requirements to be applied for the previously approved solar array; and*
- *An interpretation as to whether the existing nonconforming uses being carried on at the premises may continue even after the development of the site as a solar farm, or, in the alternative, a use variance to allow multiple nonconforming uses to be continued on the site.*

-----X
Introduction

The applicant and property owner, the Frank Darrigo Revocable Trust, has heretofore been granted a use variance from this Board permitting the construction of a ground-mounted solar array system to be constructed on the applicant's property which is located in the R-1 Zoning District.

Specifically, a use variance allowing the ground-mounted solar array system was granted by this Board on June 28, 2018. However, the applicant failed to act on this approval within the time required by the Town Code and the approval therefore expired. Thereafter, the applicant made application seeking the same relief in October of 2019. Pursuant to a Decision dated November 26, 2019 this Board reaffirmed the previously issued use variance with the Decision stating that the relief granted was subject to the following:

1. *Compliance with the requirements of Town Code Section 185-83 entitled "Solar Farms and Solar Power Plants," inclusive of the requirement of site plan review by the planning board with the following exceptions:*
 - a. *The ZBA determines that the permitted bulk area of the project site is 52.82 +/- acres;*
 - b. *The setbacks and other bulk area dimensions shown on that certain map prepared by Arden Consulting Engineers, PLLC, dated June 11 2018, consisting of two sheets, shall be the controlling setback and bulk area requirements subject to any appropriate landscaping and/or screening materials as may be appropriate under Section 185-83.*

Subsequently, the applicant proceeded to the Planning Board to seek the approvals necessary to commence construction of the ground-mounted solar array system. However, the system depicted on the plans submitted to the Planning Board was slightly larger than the system depicted upon the plans approved by this Board. Moreover, the land disturbance shown on the plans submitted to the Planning Board was more substantial than the land disturbance depicted upon the plan previously approved by this Board.

Moreover, while this Board, in connection with the initial application for relief submitted in 2018, made inquiries as to the existence of any municipal code violations on the property, the Planning Board identified the additional issue of multiple existing nonconforming uses ongoing at the property. Thus, in addition to the modifications to the plan, and the increased land disturbance, the Planning Board referred this application back to the Zoning Board for a review of the issue of the ability of the multiple nonconforming uses to be continued after construc-

tion of the ground-mounted solar array system.

The applicant's property is designated on the Town of Newburgh Tax Map as Section 86, Block 1, Lot 96.

A public hearing was held on August 27, 2020 and continued until September 24, 2020 at which time the public hearing was closed. Notice of which was published in The Mid-Hudson Times and The Sentinel and mailed to adjoining property owners as required by Code.

Materials Considered

1. Site Plan prepared by Arden Consulting Engineers, PLLC dated November 12, 2019 and last revised June 19, 2020;
2. Application dated July 6, 2020 together with the related materials submitted therewith.

In addition to the foregoing materials, the applicant was represented at the public hearing and heard testimony from Jeffrey Lease and Daniel Bloom, Esq.

No members of the public were heard during the public hearing.

SEQRA

Request for interpretations are designated as Type II Actions under SEQRA (See 6 NYCRR 617.5(31)). As such, this application is not subject to review under SEQRA.

GML 239 Referral

Interpretation requests are not required to be referred to the Orange County Planning Department for review and report.

Interpretation Request

As a preliminary matter, the authority for the Board to render interpretations of the local is found in Section 267-b(1) of the New York State *Town Law*. Section 267-b(1) is entitled "**Permitted actions by board of appeals.**" It provides as follows:

Orders, requirements, decisions, interpretations, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from, and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

Further, the Code of the Town of Newburgh, at section 185-54 (A), specifically empowers the zoning board to issue interpretations of the "meaning of any portion of the text of this chapter."

It is therefore clear that both state and law specifically authorize the Board to entertain this application.

Discussion

The Planning Board has referred this matter to the Zoning Board for consideration of two issues. Each issue will be discussed separately.

Controlling Setback and Bulk Requirements

After discussion and due deliberation, the Board has determined that while the modifications made to the map submitted to the Planning Board after the Zoning Board issued their approval in November of 2019 show different dimensions and greater areas of disturbance, the extent of these modifications are not such that the prior determinations of this Board should be disturbed.

Accordingly, this Board interprets the current application before the planning board to be consistent with the prior approvals issued by this Board relative to the ground-mounted solar array and further finds and determines that the setbacks and bulk area requirements controlling shall be those set forth on that certain plan set prepared by Arden Consulting Engineers dated November 12, 2019 and last revised June 19, 2020 entitled "Site Plan" are the controlling regulations.

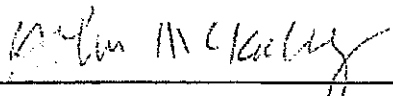
Multiple Nonconforming Uses

In their application to this Board dated July 6, 2020, the applicant identified the existence of certain specific ongoing nonconforming uses. The application setting forth those uses is incorporated herein by reference.

Upon due consideration and deliberation, this Board interprets their previously issued determinations to permit and allow the continuation of the multiple nonconforming uses identified in the July 6, 2020 application to this Board to be permitted to continue after completion of construction of the ground-mounted solar array system.

Having rendered favorable interpretations to the applicant, the relief in the alternative also being requested by the applicant need not be considered.

Dated: September 24, 2020



John McKelvey, Vice-Chairman
Town of Newburgh ZBA

By roll call a motion to adopt the decision was voted as follows:

AYES: Member Darrell Bell
 Member John Masten
 Member John McKelvey
 Member Anthony Marino
 Member Richard Levin

NAYS: None

ABSTAIN: Chair Darrin Scalzo


STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, SIOBHAN JABLESNIK, Secretary to the Zoning Board of Appeals of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Decision maintained in the office of the Town of Newburgh Zoning Board of Appeals, said resulting from a vote having been taken by the Zoning Board at a meeting of said Board held on 9/29/20.


SIOBHAN JABLESNIK, SECRETARY

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

I, JOSEPH PEDI, Clerk of the Town of Newburgh, do hereby certify that the foregoing Decision was filed in the Office of the Town Clerk on 11/30/2020.


JOSEPH PEDI, CLERK

TOWN OF NEWBURGH

EXHIBIT C
ZBA Use Clarification Letter Submitted

Property Use Description

84 Lakeside Road
Newburgh, New York 12550
SBL: 86-1-96
27 January 2020

The 60-acre Darrigo Farm will have the following uses:

1. Existing Supply Yard with storage and vehicles now limited to 20 acres
2. Existing Halloween Amusement on 20 acres
3. Existing Farm operation on entire 60 acres
4. Proposed Solar array on 40 acres

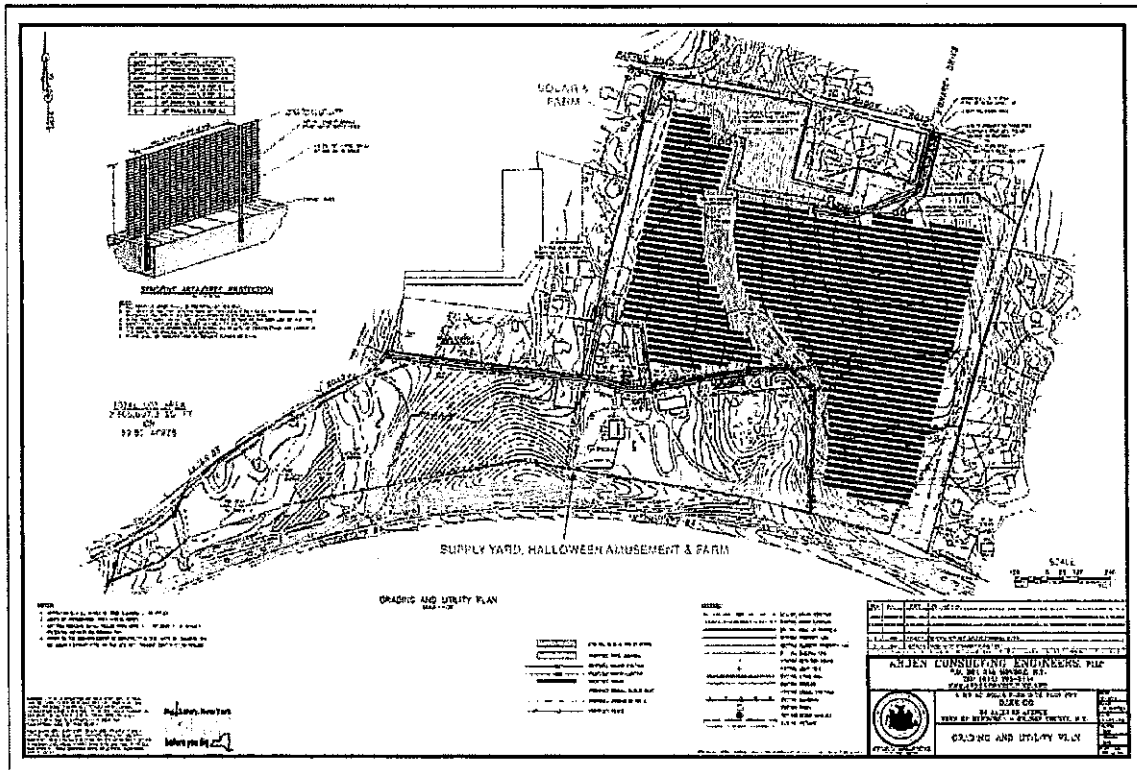
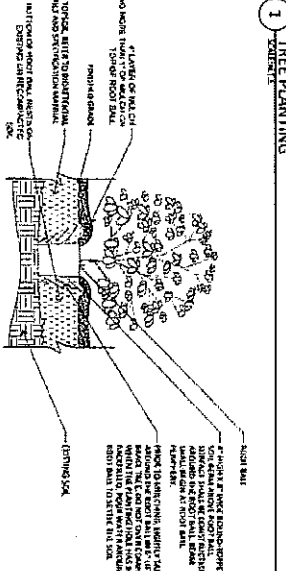
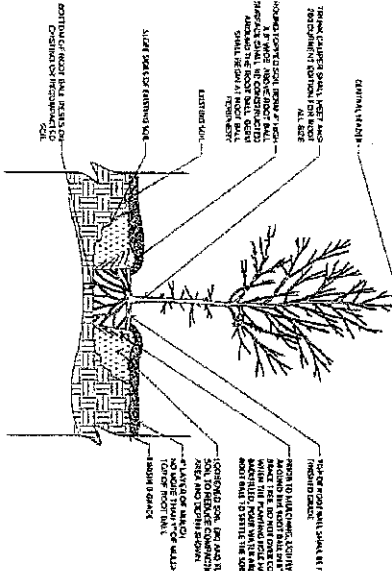
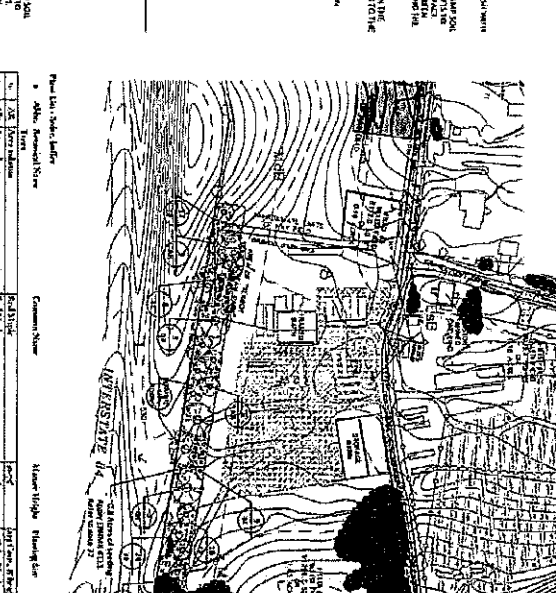


EXHIBIT D
Landscape Plan L-110

PLANTING: The planting should be done in the spring, after the ground has thawed and the soil is moist. The plants should be planted in the holes prepared in the soil. The plants should be watered thoroughly after planting. The plants should be mulched with a layer of mulch around the base of the plants. The plants should be fertilized with a slow-release fertilizer. The plants should be pruned as needed. The plants should be inspected regularly for pests and diseases. The plants should be watered as needed. The plants should be protected from frost. The plants should be protected from wind. The plants should be protected from sun. The plants should be protected from rain. The plants should be protected from hail. The plants should be protected from snow. The plants should be protected from ice. The plants should be protected from frost. The plants should be protected from wind. The plants should be protected from sun. The plants should be protected from rain. The plants should be protected from hail. The plants should be protected from snow. The plants should be protected from ice.



PLANTING: The planting should be done in the spring, after the ground has thawed and the soil is moist. The plants should be planted in the holes prepared in the soil. The plants should be watered thoroughly after planting. The plants should be mulched with a layer of mulch around the base of the plants. The plants should be fertilized with a slow-release fertilizer. The plants should be pruned as needed. The plants should be inspected regularly for pests and diseases. The plants should be watered as needed. The plants should be protected from frost. The plants should be protected from wind. The plants should be protected from sun. The plants should be protected from rain. The plants should be protected from hail. The plants should be protected from snow. The plants should be protected from ice. The plants should be protected from frost. The plants should be protected from wind. The plants should be protected from sun. The plants should be protected from rain. The plants should be protected from hail. The plants should be protected from snow. The plants should be protected from ice.



Plant List, Size, Latin Name, Common Name, Height, Flowering Time, Spacing

No.	Symbol	Latin Name	Common Name	Height	Flowering Time	Spacing
1	○
2	○
3	○
4	○
5	○
6	○
7	○
8	○
9	○
10	○
11	○
12	○
13	○
14	○
15	○
16	○



FOR PERMITTING PURPOSES ONLY

5 MW AC SOLAR FARM SITE PLAN FOR DARRIGO

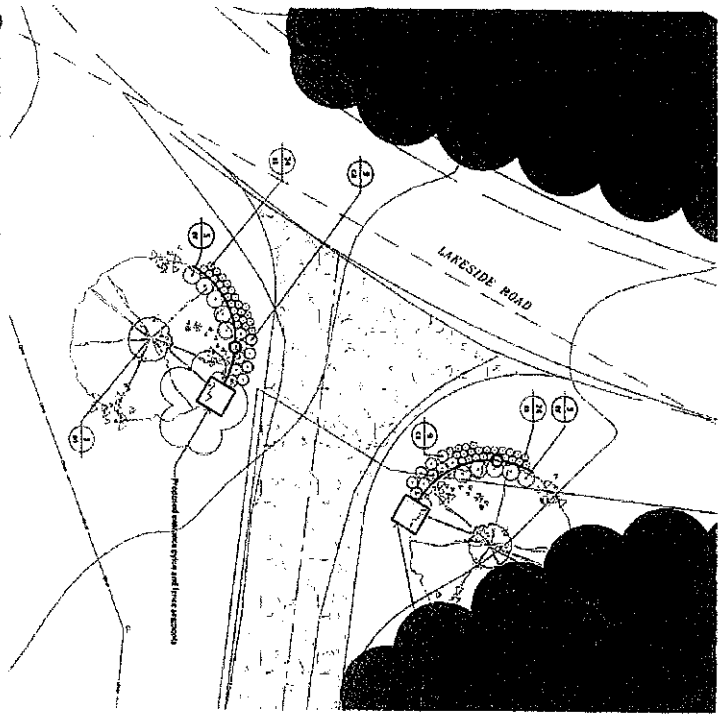
DARRIGO

LARCH Landscape Architecture and Site Planning, Inc.

LANDSCAPE PLAN

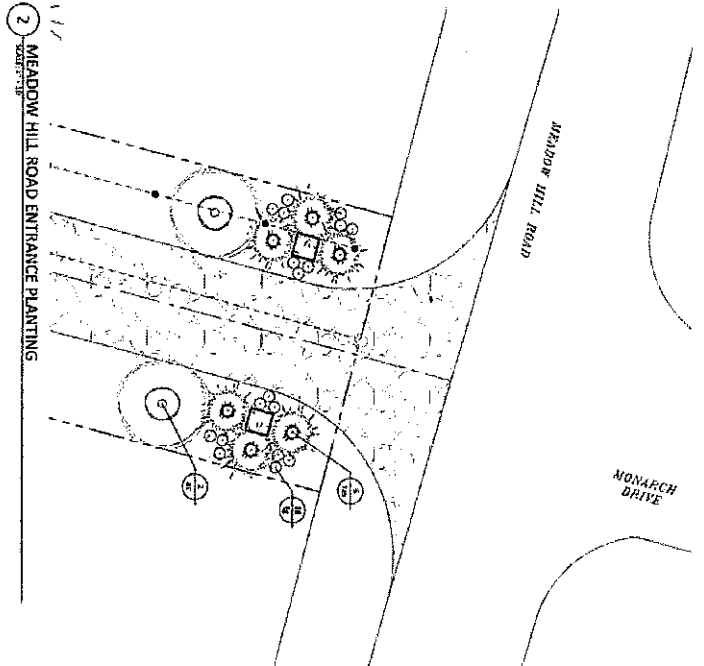
L-110

EXHIBIT E
Landscape Plan L-111

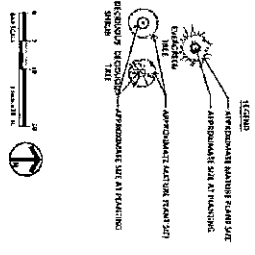


1 LAKESIDE ROAD ENTRANCE PLANTING
 SCALE: 1" = 20'

Plant List - Plant Inventory	Quantity	Common Name	Mature Height	Threat Level	Special Notes	Approved
1	10	Red Maple	40'	Low		
2	10	White Birch	30'	Low		
3	10	Black Cherry	25'	Low		
4	10	Red Dogwood	20'	Low		
5	10	White Oak	25'	Low		
6	10	Black Oak	25'	Low		
7	10	White Pine	30'	Low		
8	10	Black Pine	30'	Low		
9	10	Red Pine	30'	Low		
10	10	White Pine	30'	Low		
11	10	Black Pine	30'	Low		
12	10	Red Pine	30'	Low		
13	10	White Pine	30'	Low		
14	10	Black Pine	30'	Low		
15	10	Red Pine	30'	Low		
16	10	White Pine	30'	Low		
17	10	Black Pine	30'	Low		
18	10	Red Pine	30'	Low		
19	10	White Pine	30'	Low		
20	10	Black Pine	30'	Low		



2 MEADOW HILL ROAD ENTRANCE PLANTING
 SCALE: 1" = 20'



LARCH Landscape Architecture and Planning, Inc.
 DARRIGO

5 MW AC SOLAR FARM SITE PLAN FOR DARRIGO
 ALLASSEE ADAMS
 MANASSAS, VA

FOR PERMITTING PURPOSES ONLY

DATE: 1/11/2014

PROJECT: 5 MW AC SOLAR FARM SITE PLAN FOR DARRIGO

DRAWING: L-111

SCALE: 1" = 20'

DATE: 1/11/2014

PROJECT: 5 MW AC SOLAR FARM SITE PLAN FOR DARRIGO

DRAWING: L-111

SCALE: 1" = 20'

DATE: 1/11/2014

PROJECT: 5 MW AC SOLAR FARM SITE PLAN FOR DARRIGO

DRAWING: L-111

SCALE: 1" = 20'

EXHIBIT F
DEC Approval Letter

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau C
625 Broadway, 12th Floor, Albany, NY 12233-7014
P: (518) 402-9662 | F: (518) 402-9679
www.dec.ny.gov

December 23, 2020

Jeffery Lease
John J. Lease Realtors
5020 Route 9W
Newburgh, NY 12550

RE: Solar Array Proposal
F&T Darrigo: Site Number 336002
Town of Newburgh, Orange County

Dear Mr. Lease,

The New York State Department of Environmental Conservation (the Department) has received the documents which include a proposal to install a solar array adjacent to and on the former F&T Darrigo site (the site).

The site is located on a 8.860 acre portion of 84 Lakeside Road in Newburgh, New York. Remediation at the site is complete and use of the site is restricted to commercial or industrial use. A Department approved Site Management Plan (SMP) is in place to monitor the effectiveness of the remedy and restrict land use.

The SMP includes provisions that any intended use must not interfere with the effectiveness of the remedy in place and must preserve the legal and physical access to the site that has been provided by the owner to the Department. Any proposed work below the soil cover on the site requires prior notification and approval by the Department in accordance with the SMP. Any activities to be performed on the site require a minimum seven-day notice be sent to the Department and must adhere to the provisions described in the SMP.

While the soil cover is at a minimum two feet deep, the planned chain link fence poles are set three to four feet deep, and the silt fence poles are set at least 18 inches deep. Please reroute the chain link and silt fences that cross the soil cover along the eastern edge of the soil cover to follow along the existing fence and bypass the soil cover.

Based on the Department's review of the proposed project and as amended above, it appears that the proposed work would not significantly interfere with the effectiveness of the remedy. The portion of the solar array planned to be on the site will be installed on ballasts set on top of the soil cover in the former East and West Lagoon, and does not appear to impact the soil cover. Access to monitoring wells and the soil cover for inspection does not appear to be hindered.

If you have any questions, please contact me at (518) 402-9546 or
michael.squire@dec.ny.gov

Sincerely,

A handwritten signature in cursive script that reads "Michael Squire".

Michael Squire
Project Manager

cc: Daniel Bendell, RHWRE
Amen Omorogbe, NYSDEC
Runey Ghosh, NYSDOH

EXHIBIT G
SHPO Sign Off



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

February 11, 2020

Michael Morgante
Project Engineer
Arden Consulting Engineers, PLLC
POB 340
Monroe, NY

Re: DEC
5 MW Solar Farm Site Plan for Darrigo.
84 Lakeside Rd, Newburgh, NY 12550
19PR08330

Dear Michael Morgante:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

OPRHP has reviewed *Phase I Archaeological Investigation for the proposed Darrigo Solar Farm, 84 Lakeside Rd., Township of Newburgh, Orange County, New York* (Tracker Archaeology, January 2020). Based on this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via email only

cc: Alfred Cammisa, Tracker Archaeology; John Ewasutyn and Pat Hines, Town of Newburgh

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

EXHIBIT H
Viewshed Studies

EXHIBIT I
(Left Blank)

EXHIBIT J
Farm Clean Up Proposal

The Darrigo Family pledges to Clean the Farm and Supply Yard in the following way.

1. The temporary Halloween Pavilions will be dismantled.
2. All abandoned equipment and farm equipment shall either be disposed of or placed into sheds.
3. Vehicle Storage will be removed from the area of the Storage Yard and placed in locations as per the plan.
4. The area of the Supply Yard shall be graveled as per plan.
5. Supply Yard material will be organized.
6. Existing brush piles are to be mulched and organized.
7. The Buffer along I-84 will screen the Yard from I-84 as per plans.
8. The completed Farm and Supply Yard cleanup shall match representations submitted with this letter.

EXHIBIT K
Landscape Maintenance Proposal

The Darrigo Family pledges to Maintain the I-84 buffer in the following way.

1. After initial planting the landscaped area shall receive weekly watering in the amount of 2" of water per week for the first 10 weeks,, then 1" of water for the subsequent 10 weeks.
2. All landscape stock material shall be protected from wind weather, animal and vehicle damage and any plant found wanting shall be replaced.
3. 180 days after the planting is complete the building Inspector shall be notified to reinspect the plantings for hardiness.
4. Annually for the next two years the building inspector has the right to enter the property and inspect the hardiness.

This note has been added to the Landscape Plan, see Sheet L110



ORANGE LAKE FIRE DISTRICT



407 SOUTH PLANK ROAD, SUITE 5
NEWBURGH, NY 12550
TEL 845-564-8217 • FAX 845-564-0188

December 2, 2020

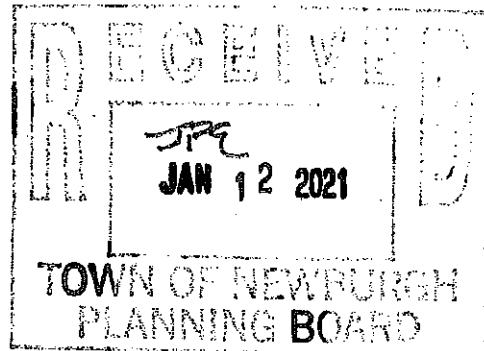
Jerry Canfield
Code Compliance
21 Hudson Valley Prof Plaza
Newburgh, NY 12550

Dear Mr. Canfield,

The Board of Commissioners of the Orange Lake Fire District, at a meeting held on December 02, 2020, reviewed the Solar Farm Site Plan on Lakeside Rd and found no concerns. We Always appreciate the opportunity to review any site plans in the Orange Lake Fire District.

Sincerely,

Charlie Piper
Commissioner
Orange Lake Fire District
407 South Plank Road, Suite 5
Newburgh, NY 12550



Darrigo Solar Farm
12 January 2021

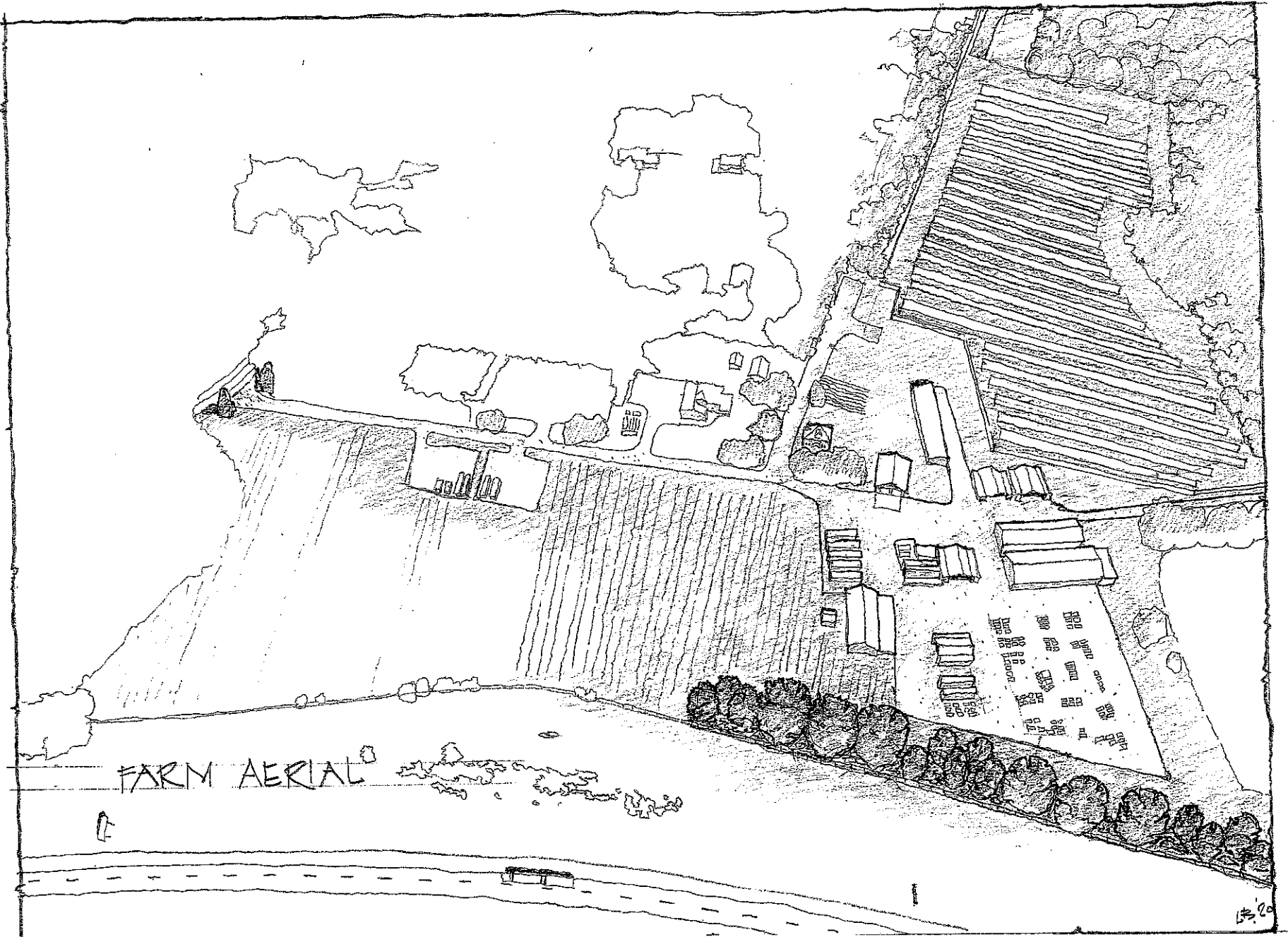
H. Viewshed Studies



LAKESIDE ROAD ENTRY
LPS 10

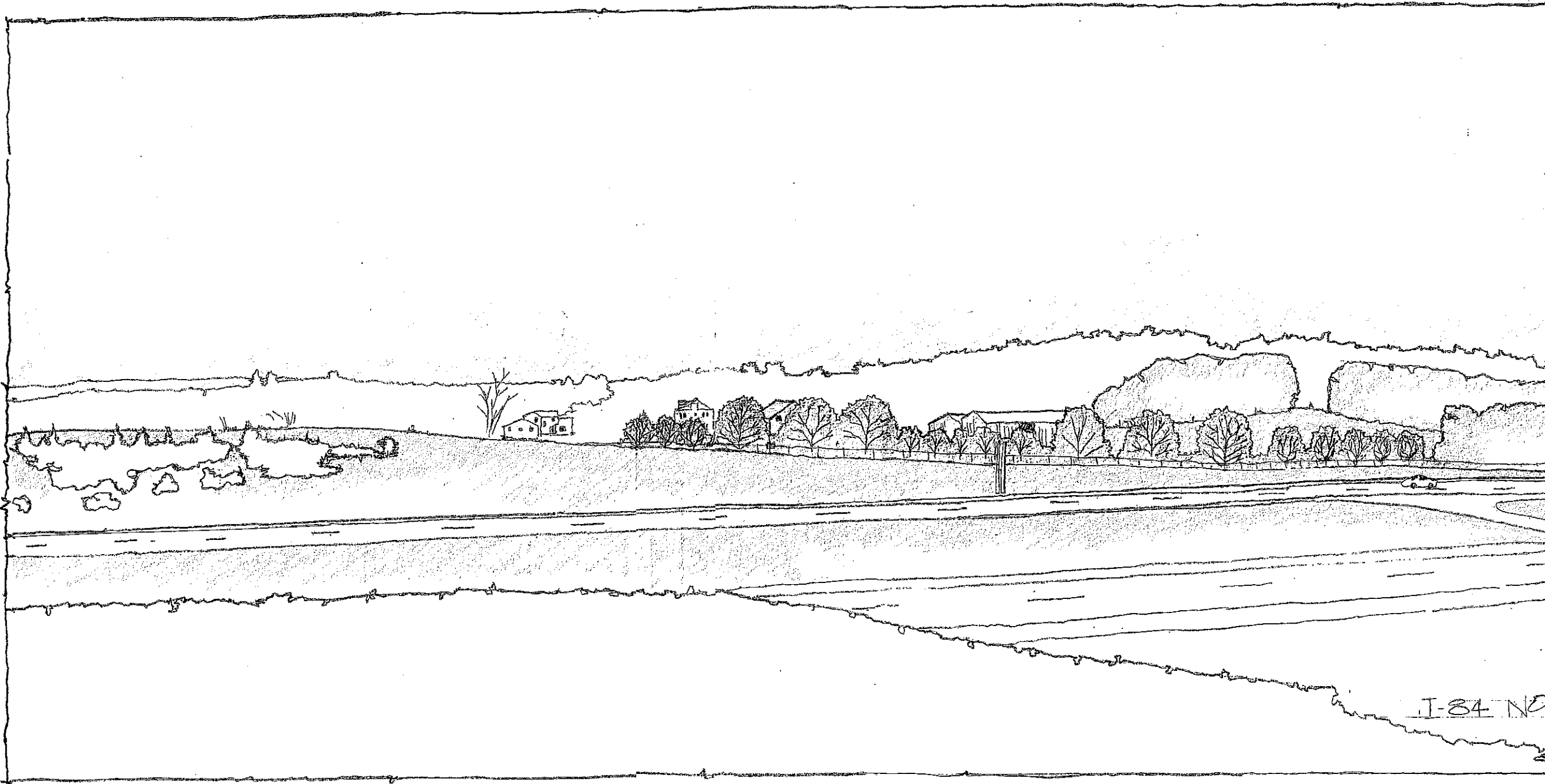


MEADOW / MONARCH ENTRY
4/25/20

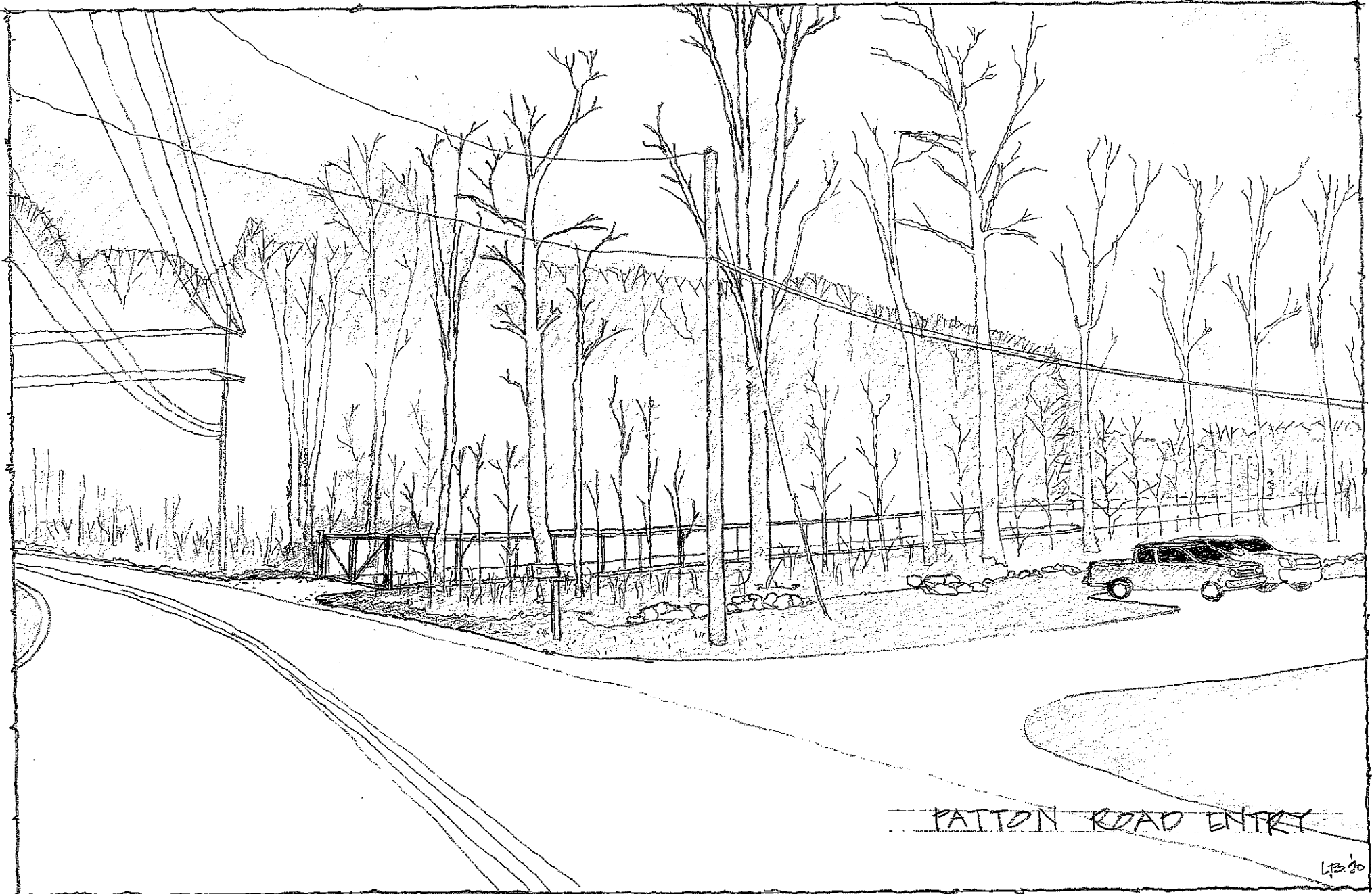


FARM AERIAL

L.S. 20



I-84 N



PATTON ROAD ENTRY

L.B. 20



PLUM COURT @
AMBER FIELDS

12/10

11